

## **REMARKS**

### **Summary of Office Action**

Claims 1, 2, 4-9, 18, and 21-23 stand rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Jeong et al. (US Pub. 2004/0021816) in view of Fujimori et al. (US Pat. No. 5,771,984) and Yamada et al. (U.S. Patent No. 5,751,382).

Claims 1, 2, 4-9, 18, and 21-23 stand provisionally rejected on the ground of nonstatutory obviousness-type double patenting as allegedly being unpatentable over claims 1-38 of co-pending Application No. 10/420,786 in view of Fujimori et al. and Yamada et al.

Claim 3 stands allowed.

### **Summary of Amendment**

None of the claims have been amended at this time. Claims 1-23 are pending with claims 10-17, 19, and 20 being withdrawn from consideration. Accordingly, claims 1-9, 18, and 21-23 are currently under further consideration.

### **Allowable Subject Matter**

While the Office Action Summary form (PTO Form PTOL-326) does not specifically indicate that claim 3 stands allowed, Applicant submits that claim 3 stands allowed because there is no rejection of claim 3 in the outstanding Office Action.

### **All Claims Comply Under §103**

Claims 1, 2, 4-9, 18, and 21-23 stand rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Jeong et al., a newly cited reference, in view of Fujimori et al. and further in view of Yamada et al., a newly cited reference. Applicant respectfully traverses this rejection.

Specifically, Jeong et al. (2004/0021816) is a pre-grant publication of application number 10/420,786, which is an application that was commonly owned by the assignee of the present application (LG.Philips LCD Co. Ltd.) at the time the present application was filed. Moreover, Jeong et al. was published after the filing date of the present application. Hence, Applicant respectfully submits that Jeong et al. cannot be asserted as prior art in the present application as specified in 35 U.S.C. §103(c). Thus, Applicant requests that the rejection of claims 1, 2, 4-9, 18, and 21-23 based on the combination of Jeong et al., Fujimori et al., and Yamada et al. be withdrawn.

**Provisional Double Patenting Rejection**

Claims 1, 2, 4-9, 18, and 21-23 stand provisionally rejected on the ground of nonstatutory obviousness-type double patenting as allegedly being unpatentable over claims 1-38 of co-pending Application No. 10/420,786 (hereinafter referred to as the '786 application) in view of Fujimori et al. and Yamada et al. Applicant respectfully traverses this rejection.

First, contrary to the rejection, currently pending claims 1-12 and 33-38 of the '786 application recite features that are not related to the pending claims of the present application. In particular, claims 1-12 and 33-38 of the '786 application are directed to a reflective liquid crystal display device and method of fabricating the same that includes data lines having a generally serpentine shape. Accordingly, there is no double-patenting issue, provisionally or otherwise, with regard to claims 1, 2, 4-9, 18, and 21-23 of the present application with claims 1-12 and 33-38 of the '786 application

Second, contrary to the rejection, Fujimori et al. and Yamada et al. both fail to teach "a

patterned spacer filling the first gap *between the first and second reflective electrodes*”

(emphasis added) as recited in the independent claims 1 and 10 of the present invention. Hence,

Applicant asserts that the Office has failed to establish a *prime facie* case of obviousness.

Accordingly, Applicant requests that the provisional obviousness-type double patenting rejection of claims 1, 2, 4-9, 18, and 21-23 be withdrawn.


### **CONCLUSION**

In view of the foregoing, Applicant respectfully requests reconsideration and timely allowance of the pending claims. Should the Examiner feel that there are any issues outstanding after consideration of the response, the Examiner is invited to contact the Applicant’s undersigned representative to expedite prosecution.

If there are any other fees due in connection with the filing of this response, please charge the fees to our Deposit Account No. 50-0310. If a fee is required for an extension of time under 37 C.F.R. 1.136 not accounted for above, such an extension is requested and the fee should also be charged to our Deposit Account.

Respectfully submitted,

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